



Report to Council

From the Office of Councillor Zoë Royer

Date: May 6, 2021

Subject: Council Procedure Bylaw Update – Secret Recordings

Purpose

The matter of secret recordings was discussed at an open meeting of Council on April 8, 2021 regarding the acquisition of computer equipment by the Mayor's office. A summary of what occurred, and the relevant minutes about it are on the following page.

The fact that private conversations and closed meetings were being recorded, undisclosed by a member of Council using the pretense of their civic office, has raised concern of workplace safety by several members of Council.

I lived through the experience of hearing an audio recording of a crude manipulation of conversations between two persons. Our legal system disallows "surreptitious recordings" because they are unlawfully obtained, the opposing party will be prejudiced by the proposed use of the recording and, the fact that recordings are readily edited in this era of digital technology.

Maintaining the integrity of meeting records is essential in a model of transparent and fair governance. Our regular Council meetings are already being recorded. The difference is that this is being done by staff and the unaltered record is on the city's website within 24 hours. We need rules for recordings from other sources. I propose the following amendment to Council's Procedure Bylaw:

Recommendation

THAT the following be added to the Council Procedure Bylaw after section 15(6):

"Council members are required to disclose the electronic recording of any meeting or conversation they intend to record, to all persons in attendance at the onset of the meeting.

Should Council learn that a surreptitious recording was created that is being used to influence discussion or vote of Council, or to disparage a member of Council or staff, the unaltered original recording must be given to the Clerk immediately for safeguarding until such time the recording can be authenticated by an independent audio forensic professional."

The following series of motions is complex and may be confusing. Let me begin with a summary of the following minutes in plain language:

- April 6: Council authorized an exception to the City's procurement policy for the Mayor to receive a \$7,000 allowance to buy his own video and audio processing equipment. Council was not fully aware at the time that the word *allowance* meant new equipment purchased by the Mayor would not be itemized, identified or installed by the City, there was no requirement for the provision of receipts, and the City would have no ownership over the equipment.
- April 8:
 - A motion was brought calling for reconsideration of the \$7,000 allowance
 - The Chair said reconsideration required an addition to the agenda and require unanimous consent
 - The motion to add the item was defeated
 - A motion was made to reconsider the April 6 decision
 - The Chair ruled that the motion was out of order
 - The Chair's decision was challenged and put to a vote
 - Council voted that the motion was in order
 - The motion to reconsider was approved
 - Then, the April 6 motion was put to a vote and defeated.
 - The Mayor's office is not authorized to bypass the City's procurement policy to be paid an allowance for his own video and audio processing equipment.

Excerpt from City of Port Moody Minutes, Special Electronic Council Meeting via Zoom on Thursday, April 8, 2021 at 5:06pm:

Present: Mayor R. Vagramov
Councillor D.L. Dilworth
Councillor M.P. Lahti
Councillor A.A. Lubik
Councillor H. Madsen
Councillor S. Milani
Councillor P.Z.C. Royer

In Attendance: Tim Savoie – City Manager
Angie Parnell – General Manager of People, Communications, and

Engagement
Dorothy Shermer – Corporate Officer
Tracey Takahashi – Deputy Corporate Officer

Mayor Vagramov called the meeting to order at 5:06pm.

Councillor Royer requested reconsideration of the approval of the \$7,000 budget allocation for implementing hybrid meetings.

SC(C)21/017

Moved, seconded, and DEFEATED

THAT "Reconsideration of the Approval of the \$7,000 Budget Allocation for Implementing Hybrid Meetings" be added to the Special Council meeting agenda of April 8, 2021.

(Voting against: Councillors Madsen and Milani, and Mayor Vagramov)

SC(C)21/018

Moved and seconded

THAT the following resolution from the Special Council meeting of April 6, 2021 be reconsidered:

CW21/041b

THAT the recommendation contained in the following item on the April 6, 2021 Special Council agenda be approved:

*7.9 – Implementing Hybrid Meetings – Mayor's Office Technology Procurement:
THAT the budget of \$7,000 allocated to the Mayor's Office at the March 23, 2021 Regular Meeting of Council be provided as an allowance to the Mayor as presented in the memo dated March 24, 2021 from the Finance and Technology Department – Financial Services Division regarding Implementing Hybrid Meetings – Mayor's Office Technology Procurement.*

Mayor Vagramov ruled the motion out of order. Councillor Royer challenged the ruling of the Chair.

SC(C)21/019

Moved, seconded, and DEFEATED

THAT the ruling of the Chair be sustained.

(Voting against: Councillors Dilworth, Lahti, Lubik, and Royer)

The question on SC(C)21/018 was put to a vote; the following motion was CARRIED:

THAT the following resolution be reconsidered:

CW21/041b

THAT the recommendation contained in the following item on the April 6, 2021 Special Council agenda be approved:

7.9 – Implementing Hybrid Meetings – Mayor’s Office Technology Procurement:

THAT the budget of \$7,000 allocated to the Mayor’s Office at the March 23, 2021 Regular Meeting of Council be provided as an allowance to the Mayor as presented in the memo dated March 24, 2021 from the Finance and Technology Department – Financial Services Division regarding Implementing Hybrid Meetings – Mayor’s Office Technology Procurement.
(Voting against: Councillors Madsen and Milani, and Mayor Vagramov)

The question on resolution CW21/041b was put to a vote; the following motion was DEFEATED:

THAT the budget of \$7,000 allocated to the Mayor’s Office at the March 23, 2021 Regular Meeting of Council be provided as an allowance to the Mayor as presented in the memo dated March 24, 2021 from the Finance and Technology Department – Financial Services Division regarding Implementing Hybrid Meetings – Mayor’s Office Technology Procurement.
(Voting against: Councillors Dilworth, Lahti, Lubik, Madsen, Milani, and Royer)